

U. S. PATENT AND TRADEMARK OFFICE
U. S. DEPARTMENT OF COMMERCE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

21304YP

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/540283

INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE
PCT/US2003/040114 16 December 2003

PRIORITY DATE CLAIMED
20 December 2002

TITLE OF INVENTION
3-AMINO-4-PHENYLBUTANOIC ACID DERIVATIVES AS DIPEPTIDYL PEPTIDASE INHIBITORS FOR THE
TREATMENT OR PREVENTION OF DIABETES

APPLICANT(S) FOR DO/EO/US

Joseph L. Duffy, Scott D. Edmondson, Dooseop Kim, Brian A. Kirk, Liping Wang, Ann E. Weber

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected (PCT Article 31).
5. A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. is attached hereto
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 to 20 below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 CFR 1.76.
15. A substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT

EXPRESS MAIL NO. EV660610059105

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"
ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO

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ALEXANDRIA, VIRGINIA 22313-1450

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11/6/2005

JC09 Rec'd PCT/PTO 20 JUN 2005

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/540283	INTERNATIONAL APPLICATION NO. PCT/US2003/040114	ATTORNEY'S DOCKET NUMBER 21304YP		
The following fees are submitted:		CALCULATIONS	PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee.....		\$300	\$300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....		\$100		
All other situations.....		\$200	\$100.00	
23. <input checked="" type="checkbox"/> Search fee Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....		\$100		
International Search Report prepared and provided to the Office.....		\$400		
All other situations.....		\$500	\$100.00	
		TOTAL OF 21, 22 and 23=	\$500.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
116 - 100 =	16 /50	0.32 = 1	X \$250.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].		\$250.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	29 - 20 =	9	X \$50.00	
Independent Claims	1 - 3 =	0	X \$200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00		
		TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)	=	\$1,200.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+ \$130.00		
		TOTAL NATIONAL FEE	=	\$1,200.00
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.		+ \$40.00		
		TOTAL FEES ENCLOSED	=	\$1,200.00
		Amount to be refunded:		
		Amount to be charged:		
<ol style="list-style-type: none"> <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$1,200.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u>. A duplicate copy of this sheet is enclosed. 				
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Customer No. 000210</p> <p>MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970</p> <p>DATE: <u>June 20, 2005</u></p> <p>PHONE #: <u>(732) 594-4568</u></p>				
		 SIGNATURE <u>Philippe L. Durette</u> NAME <u>Philippe L. Durette</u> 35,125 REGISTRATION NUMBER		